

AMENDED IN ASSEMBLY MAY 1, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
AMENDED IN ASSEMBLY MARCH 20, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2130

Introduced by Assembly ~~Member~~ Members Pan and Gatto
(Principal coauthor: Senator Yee)
(Coauthors: Assembly Members Bloom, Maienschein, Nazarian,
Ting, and Wieckowski)

February 20, 2014

An act to repeal and add Section 113961 of the Health and Safety Code, relating to food safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as amended, Pan. Retail food safety.

Under existing law, the California Retail Food Code, the State Department of Public Health establishes uniform health and sanitation standards for retail food facilities and local health agencies are required to enforce these provisions. A person who violates any provision of the code is guilty of a misdemeanor. Existing law requires food employees to wash their hands in accordance with specified provisions and prohibits food employees from contacting exposed, ready-to-eat food with their bare hands, except under certain conditions, including when washing fruits and vegetables and when not serving a highly susceptible population, as specified.

This bill would instead require that food employees minimize bare hand and arm contact with nonprepackaged food that is in a ready-to-eat

form. The bill would require food employees to use utensils, as specified, to assemble ready-to-eat food or to place ready-to-eat food on tableware or in other containers. The bill would authorize food employees to assemble or place on tableware or in other containers ready-to-eat food in an approved food preparation area without using utensils if hands are cleaned in accordance with specified provisions. The bill would require that food that has been served to the consumer and then wrapped or prepackaged at the direction of the consumer be handled only with utensils. The bill would require these utensils to be properly sanitized before reuse. By revising the standards that are required to be enforced by local health agencies and changing the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 113961 of the Health and Safety Code
- 2 is repealed.
- 3 SEC. 2. Section 113961 is added to the Health and Safety Code,
- 4 to read:
- 5 113961. (a) Food employees shall minimize bare hand and
- 6 arm contact with nonprepackaged food that is in a ready-to-eat
- 7 form.
- 8 (b) Food employees shall use utensils, including scoops, forks,
- 9 tongs, paper wrappers, gloves, or other implements, to assemble
- 10 ready-to-eat food or to place ready-to-eat food on tableware or in
- 11 other containers. However, food employees may assemble or place
- 12 on tableware or in other containers ready-to-eat food in an approved

1 food preparation area without using utensils if hands are cleaned
2 in accordance with Section 113953.3.

3 (c) Food that has been served to the consumer and then wrapped
4 or prepackaged at the direction of the consumer shall be handled
5 only with utensils. These utensils shall be properly sanitized before
6 reuse.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for certain
9 costs that may be incurred by a local agency or school district
10 because, in that regard, this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty for a crime
12 or infraction, within the meaning of Section 17556 of the
13 Government Code, or changes the definition of a crime within the
14 meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

21 SEC. 4. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 In order to protect public health and safety by developing better
26 food safety procedures for ready-to-eat food and by avoiding
27 confusion among local health agencies and small businesses at the
28 earliest ~~possible time~~, *time possible*, it is necessary that this act
29 take effect immediately.